

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2005.03
COMPLAINT INVESTIGATOR:	Sally Cook
DATE OF COMPLAINT:	February 14, 2003
DATE OF REPORT:	March 10, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	April 1, 2003

COMPLAINT ISSUES:

Whether the Gary Community School Corporation violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically, by failing to provide the required speech therapy.

511 IAC 7-27-5(a)(1) by failing to provide an accurate report of the participants in case conference committee meetings.

FINDINGS OF FACT:

1. The student (the "Student") is ten years old and is eligible for special education and related services as a student with severe mental disability, communication disorder, and autism spectrum disorder.
2. As of September 24, 2002, the Student's individualized education program called for speech language services two times per week for thirty minutes. It is undisputed that speech language services were not provided as frequently as required by the IEP.
3. The Student's case conference committee met on February 18, 2003, and reached agreement on the extended school year services (summer enrichment program) that will be provided during the summer of 2003 as compensatory services for the services that were not provided.
4. On September 24, 2002, the case conference committee decided to move the Student from one classroom to another. This decision was recorded in the Student's Case Conference Report/IEP. The special education teacher who was to become the teacher of service did not attend the case conference committee meeting on September 24, 2002. After the meeting, that teacher reviewed the Case Conference Report/IEP and signed section X to indicate awareness of the Student's change of classroom.
5. A general education teacher who reviewed the Case Conference Report/IEP but who did not attend the case conference committee meeting on September 24, 2002, also signed section X of the Case Conference Report/IEP, after the meeting.
6. Section X of the Case Conference Report/IEP form is titled "CASE CONFERENCE COMMITTEE MEMBERS (NAMES AND TITLES)." This section is the only section within the form in which to list the names and titles of actual participants in the meeting.

7. As a voluntary corrective action, the local director of special education has suggested sending a written reminder that the only people who may sign the list of case conference committee members are those who actually attended the meeting.

CONCLUSIONS:

1. Finding of Fact #1 indicates that speech language services were not provided in accordance with the IEP. Therefore, a violation of 511 IAC 7-27-7(a) occurred. However, Finding of Fact #3 indicates that corrective action has been agreed upon.
2. Finding of Fact #4, #5 and #6 indicate that teachers who did not attend the case conference committee meeting on September 24, 2002, signed the Student's Case Conference Report/IEP. Therefore, a violation of 511 IAC 7-27-5(a)(1) occurred. Finding of Fact #7 describes appropriate corrective action that is incorporated below.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

Gary Community School Corporation shall send the following written reminder to the principal of each school in the school corporation and to all special education program supervisors:

The written report of the case conference committee must include an accurate list of the names and titles of the participants in the meeting, as required by 511 IAC 7-27-5(a)(1). Therefore, the only individuals who may sign the list of case conference committee members are those who actually participated in the meeting. Individuals who review a Case Conference Report/IEP later are not to sign Section X on page 11.

A copy of the written reminder and a list of the recipients shall be sent to the Indiana Department of Education, Division of Exceptional Learners by March 31, 2003.